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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,927	05/19/2004	Roland Harend	1435.101.101/13233US	5711
7590 09/22/2008 Dicke, Billig & Czaja, PLLC Fifth Street Towers Suite 2250 100 South Fifth Street Minneapolis, MN 55402				
EXAMINER				
ABELSON, RONALD B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/848,927

Applicant(s)

HAREND ET AL.

Examiner

RONALD ABELSON

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/02/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 10-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman (US 2002/0031103) view of Schwab (US 4,543,627).

Regarding claims 1 and 16, Wiedeman teaches creating the data packets such that each comprise useful data (fig. 3: payload) and packet data containing information items necessary for the transmitting (fig. 3: header);

after setting up the connection, creating the packet data for a first data packet of this connection and storing the packet data as memory packet data (stores information from header of first packet and routes subsequent packets based on stored information, expands subsequently transmitted packets headers to contain stored information, [0010]); and

creating the packet data of the other data packets of the same connection at least partly from memory packet data that have been previously stored for the connection (stores information from header of first packet and routes subsequent packets based on stored information, expands subsequently transmitted packets headers to contain stored information, [0010]).

Although Wiedeman teaches creating the packet data for the first data packet and creating the packet data of the other data packets, the reference is silent on a main processor creates the first data packet and an auxiliary processor creates the subsequent packets.

Schwab teaches a main processor processing data in conjunction with an auxiliary processor (fig. 1 box 300, 500-507, col. 3 lines 19-23).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Wiedeman by having a main processor creates the first data packet and an auxiliary processor creates the subsequent packets, as suggested by Schwab. This modification would benefit the system by offloading some of the functions of the main processor to an auxiliary

processor, thus helping to ensure that the main processor is not overloaded.

Regarding claims 2 and 17, calculating the packet data for at least one data packet in accordance with a stack of protocol layers in the data-transmission network (Wiedeman: TCP/IP, [0060]) and storing packet data for at least one data packet as memory packet data for the connection (Wiedeman: stores information from header of first packet and routes subsequent packets based on stored information, [0010]).

Regarding claims 4 and 19, calculating the packet data by the main processor in accordance with a stack of protocol layers (Wiedeman: TCP/IP, [0060]).

Regarding claims 5 and 20, subdividing the packet data into packet-data fields (Wiedeman: fig. 3: Source ADDR, Destination ADDR, and Connection ID).

Regarding claim 6, the packet data meet the requirements of protocol layers (Wiedeman: compliant with protocol, such as TCP/IP, [0060]).

Regarding claim 7, transferring the memory packet data at least in part unaltered to the packet data of the data packets (Wiedeman: subsequently packet headers contain the stored information, [0060]).

Regarding claim 10, the useful data contain speech data, audio data or video data (Wiedeman: voice, [0019]).

Regarding claim 11, the connection is a telephone connection or a fax connection, (Wiedeman: PSTN, [0004]).

Regarding claim 12, providing the useful data with packet data in accordance with a real-time protocol (Wiedeman: real-time, [0039]).

Regarding claim 13, providing the useful data with packet data in accordance with an IP protocol (Wiedeman: TCP/IP, [0060]).

Regarding claim 14, the data-transmission network is selected from a group comprising an Ethernet, HDLC, frame-relay, IP network, and an ATM network (Wiedeman: fig. 1 box 70).

Regarding claim 15, reading the useful data in via a physical terminal and creating the packet data at least in part as a function of the terminal via which the useful data are read in (Wiedeman: source address, abstract, [0010]).

3. Claims 3 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiedeman and Schwab as applied to claims 2 and 16 above, and further in view of Gemmell (US 6,678,855).

The combination is silent on after setting up the connection, at least a first data packet is not transmitted via the data transmission network.

Gemmell teaches a data packet not being transmitted via the data transmission network (corrupted packets, checksums, discarded, col. 2 lines 43-45).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by inserting a checksum, i.e. CRC, in the packet header and discarding the packet if the packet is corrupted beyond repair,

as suggested by Gemmell. This modification would benefit the system by ensuring that only valid data packets are transmitted to their final destinations.

4. Claims 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination Wiedeman and Schwab as applied to claim 1 above, and further in view of Wilford (US 6,687,247).

Although Wiedeman teaches a memory packet containing header information, the combination is silent on altering the memory packet data at least in part as a function of the useful data and the connection and transferring the memory packet data in altered form to the data packets.

Wilford teaches modifying a header packet in part as a function of the useful data (col. 5 lines 40 - 43).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by altering the CRC value of the memory packet data at least in part as a function of the useful data and the connection and transferring the memory packet data in altered form to the data packets, as suggested by Wilford. This modification would benefit the system by ensuring that the CRC value of the

transferred packet corresponds to the useful data and the connection information.

Response to Arguments

5. Applicant's arguments with respect to amended independent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONALD ABELSON whose telephone number is (571)272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Abelson
Examiner
Art Unit 2619

/Ronald Abelson/
Primary Examiner, Art Unit 2619

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